



## Planning Commission Staff Report

**TO:** PLANNING COMMISSION

**FROM:** AMY TEMES, SENIOR PLANNER  
480-503-6729, AMY.TEMES@GILBERTAZ.GOV

A handwritten signature in black ink, likely belonging to Amy Temes.

**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER  
480-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

A handwritten signature in blue ink, likely belonging to Catherine Lorbeer.

**MEETING DATE:** MAY 7, 2014

**SUBJECT:** Z14-12: REQUEST TO AMEND THE CONDITIONS OF DEVELOPMENT WITHIN THE LEGACY PLANNED AREA DEVELOPMENT (PAD) FOR APPROXIMATELY 81.19 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GREENFIELD AND BROOKS FARM ROADS ZONED SINGLE FAMILY - 15 (SF-15) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY.

**STRATEGIC INITIATIVE:** Community Livability

This amendment will accommodate an in-the-field miscalculation and allow for development to occur as planned.

### RECOMMENDED MOTION

**FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR Z14-12, AS REQUESTED, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.**

## **APPLICANT/OWNER**

Brennan Ray  
Burch & Cracchiolo, P.A.  
702 E. Osborn Rd, #200  
Phoenix, AZ 85014  
602-234-9913  
[bray@bcattorneys.com](mailto:bray@bcattorneys.com)

Fulton Homes/Norm Nicholls  
9140 S. Kyrene Rd., Suite 202  
Tempe, AZ 85014  
480-753-6789  
[nnicholls@fultonhomes.com](mailto:nnicholls@fultonhomes.com)

## **BACKGROUND/DISCUSSION**

### **History**

February 6, 2001 Town Council approved A00-8 and Z00-18 (adopting Ordinance Nos. 1320 and 1321), annexing Freeman Farms and changing the zoning for 355 acres from Maricopa County RUPD R1-6, R1-7, R1-35, and C-2 PD to Town of Gilbert R1-6, R1-7, R1-8, R1-10, R1-35, and C-2 with a Planned Area Development (PAD) overlay.

May 19, 2004 Planning Commission approved the preliminary plat for Freeman Farms Phase 1A.

March 21, 2006 Town Council approved the Final Plat for Freeman Farms Phase 1A.

November 15, 2012 Town Council approved GP12-05 and Z12-10 for the Legacy at Freeman Farms PAD, a Minor General Plan Amendment and Rezoning of 81 acres to Residential >1-2 and Single Family – 15 (SF-15) with a Planned Area Development (PAD) overlay.

### **Overview**

Fulton Homes is the developer of Legacy, a 81.19 acre PAD at the southwest corner of Greenfield and Brooks Farms Road. Fulton Homes is substantially under construction at Legacy with off-site improvements and on-site infrastructure. During the course of construction, it was discovered that a miscalculation had been made in the field site work causing the internal layout of the subdivision to rotate slightly. The slight shift affected the lot depth for Lots 5-12, which in-turn impacts Fulton Homes' ability to satisfy the rear yard setback. The error did not affect the location of the site's perimeter property line.

The request is to reduce the rear yard setback by 6' for Lots 5 - 12 from 30' to 24'.

### **Surrounding Land Use & Zoning Designations:**

	<b>Existing Land Use Classifications</b>	<b>Existing Zoning</b>	<b>Existing Use</b>
North	Residential > 0-1 DU/Acre	SF-35 Residential	Vacant and Developed Single-Family Residential
South	Residential > 0-1 DU/Acre	SF-35 and County Rural-43 Residential	Developed Single-Family Residential
East	Residential > 2-3.5 DU/Acre	SF-7 Residential	Greenfield Road, then vacant Single-Family Residential
West	Residential >0-1 DU/Acre	County Rural-43 Residential	Developed Single-Family Residential

## Rezoning

The development standards per Ordinance No. 2406 are with proposed modifications in BOLD:

<b>Development Standard</b>	<b>Legacy SF-15 PAD</b>
Minimum Lot Area (sq. ft.)	20,000 sq. ft.
Minimum Lot Dimensions	Width- 120 ft. Depth- 175 ft.
Maximum Height (ft./stories)	30/1
Minimum Setbacks <u>Front</u> <u>Side</u> <u>Rear</u>	35 feet* 15 feet 30 feet, Lots 1 – 4 and 13 – 105 <b>24 FEET, LOTS 5 - 12</b>
Maximum Lot coverage (%)	35%
Flag Lot Development Standard	To satisfy the minimum lot width requirements for flag lots, the minimum front yard setback shall be 50 ft. as measured from the back of private street curb.

\*As measured from the back of private street curb.

\*\* Setback encroachments: Encroachments of up to 3 ft. shall be allowed into any setback for architectural embellishments and diversity such as, but not limited to chimneys, canopies, decks, covered patios, awnings, pot shelves, bay windows, belt courses, cornices, window sills, pop-outs, quoins and similar decorative architectural features. Detached accessory structures that are less than six feet in height shall comply with the Town's setback requirements for accessory structures as provide for in Article 2.1. Detached accessory structures that are greater than six feet in height shall be set back a minimum of 10 feet from the rear property line and 10 feet from a side property line.

## **PUBLIC NOTIFICATION AND INPUT**

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

Staff has received no comment from the public.

## **PROPOSITION 207**

An agreement to "Waive Claims for Diminution in Value" Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

## **REASONS FOR THE RECOMMENDATION**

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town's strategic initiative for Community Livability. It supports the motto "Gilbert: Clean, Safe, Vibrant."

## **STAFF RECOMMENDATION**

For the following reasons: the development proposal conforms to the intent of the General Plan and can be coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to the Town Council for Z14-12, a request to amend the development standards for the Legacy PAD, approximately 81.19 acres of real property generally located at the southwest corner of Greenfield and Brooks Farm Roads zoned Single Family -15 (SF-15) zoning district, subject to the following conditions:

1. The rear yard setbacks for Lots 5-12, shown on the amended development plan of the Legacy at Freeman Farms PAD, shall be a minimum 24'.

Respectfully submitted,



Amy Temes  
Senior Planner

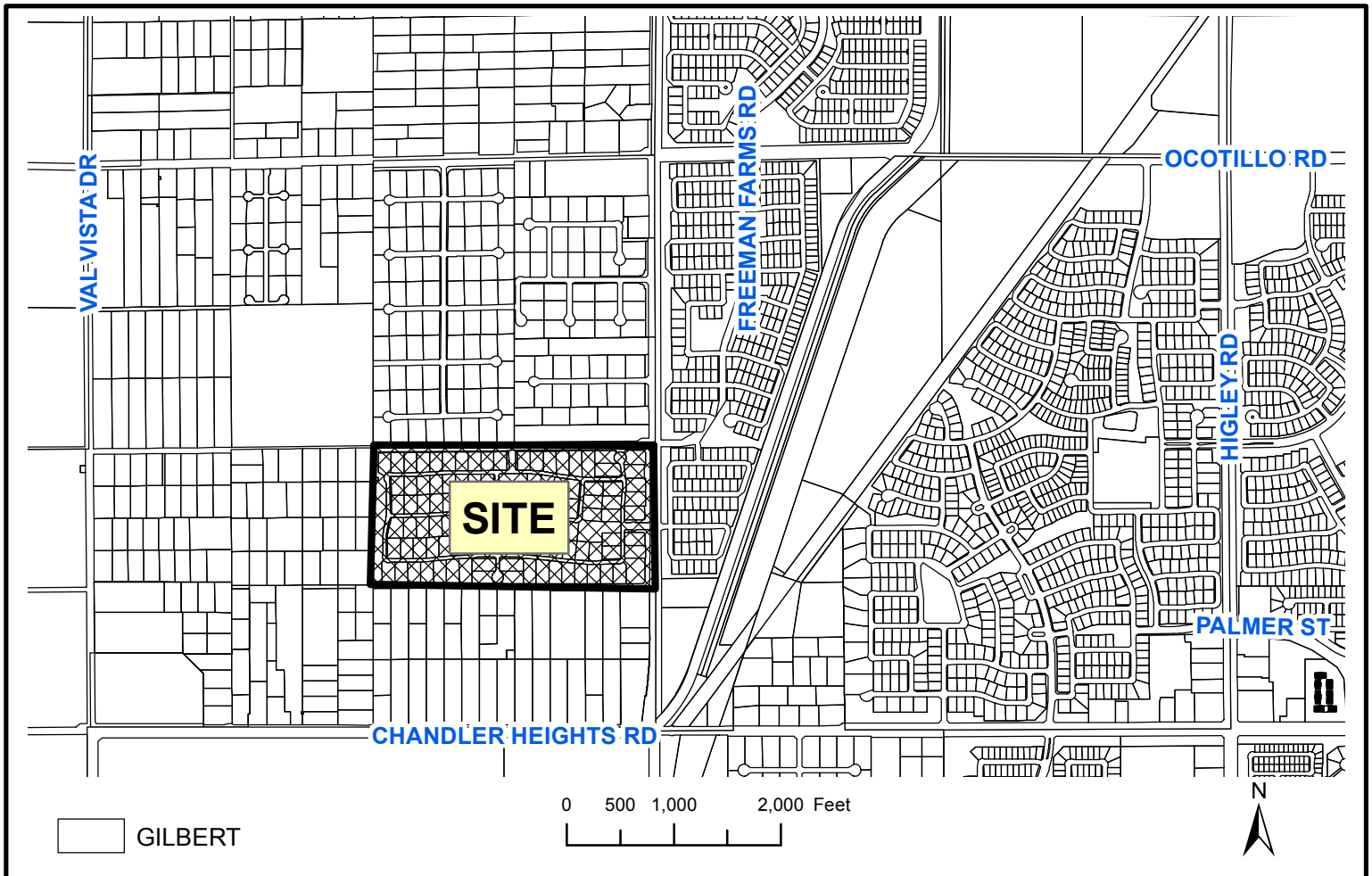
### **Attachments:**

Attachment 1: Notice of Public Hearing  
Attachment 2: Aerial Photo  
Attachment 3: Zoning Exhibit  
Attachment 4: Development Plan  
Attachment 5: Plot Plans Examples for Reference

**Notice of Public Hearing****PLANNING COMMISSION DATE:****Wednesday, May 7, 2014\* TIME: 6:00 PM****TOWN COUNCIL DATE:****Thursday, May 15, 2014\* TIME: 7:00 PM****LOCATION: Gilbert Municipal Center, Council Chambers****50 E. Civic Center Drive****\* Call Planning Department to verify date and time: (480) 503-6700*****REQUESTED ACTION:***

Z14-12: Request to amend Ordinances No.1321, 1635, 1802, 2199 and 2406 to amend the conditions of development within the Freeman Farms Planned Area Development (PAD) for approximately 81.19 acres of real property generally located at the southwest corner of Greenfield and Brooks Farm Roads, consisting of approximately 81.19 acres of Single Family - 15 (SF-15) zoning district with a Planned Area Development overlay zoning district as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office. The request is to amend the conditions of development as follows: reduce the rear yard setback on Lots 5-12. The effect of the amended development conditions will be to reduce the rear yard setback on eight lots.

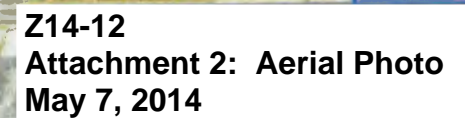
\* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m.

***SITE LOCATION:***

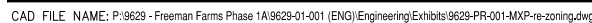
**APPLICANT: Burch & Cracchiolo, P.A.**  
**CONTACT: Brennan Ray**  
**ADDRESS: 702 E. Osborn Rd., Suite 200**  
**Phoenix, AZ 85014**

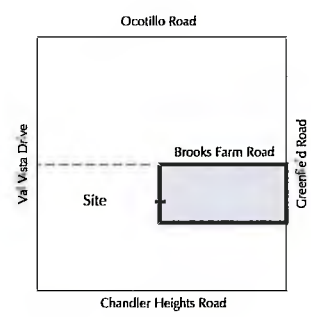
**TELEPHONE: (602) 234-8794**  
**E-MAIL: bray@bcattorneys.com**











### Vicinity Map

### Site Data

Total Lots:	98	Gross Site Area:	81.19 AC
Min Lot Size:	120' x 170'	Net Site Area:	75.93 AC
Min Lot Area:	20,699 S.F.	Open Space:	12.37 AC
Density:	1.29 Du/AC	% Open Sapce:	15.24%

### Open Space & Amenities

- ① Large landscaped open areas with turf for active recreation
- ② Ramada areas with BBQ's, Picnic Tables, & Benches. Tot Lots with shade sails & multiple play stations.
- ③ Up scale vehicular Entry Gates.
- ④ Distinctive Entry Monumentation.
- ⑤ Decorative CMU Theme Wall with Stone End Columns.
- ⑥ Equestrian Trail.

**LOTS 5 thru 12 rear wall exhibit**  
 Amended Development Plan - Legacy at Freeman Farms PAD - 11/15/12  
 Case# GP12-05/Z12-10

## ILLUSTRATIVE SITE DEVELOPMENT PLAN

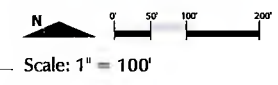


exhibit prepared 2/20/2014

# Legacy

Gilbert Arizona

By Fulton Homes

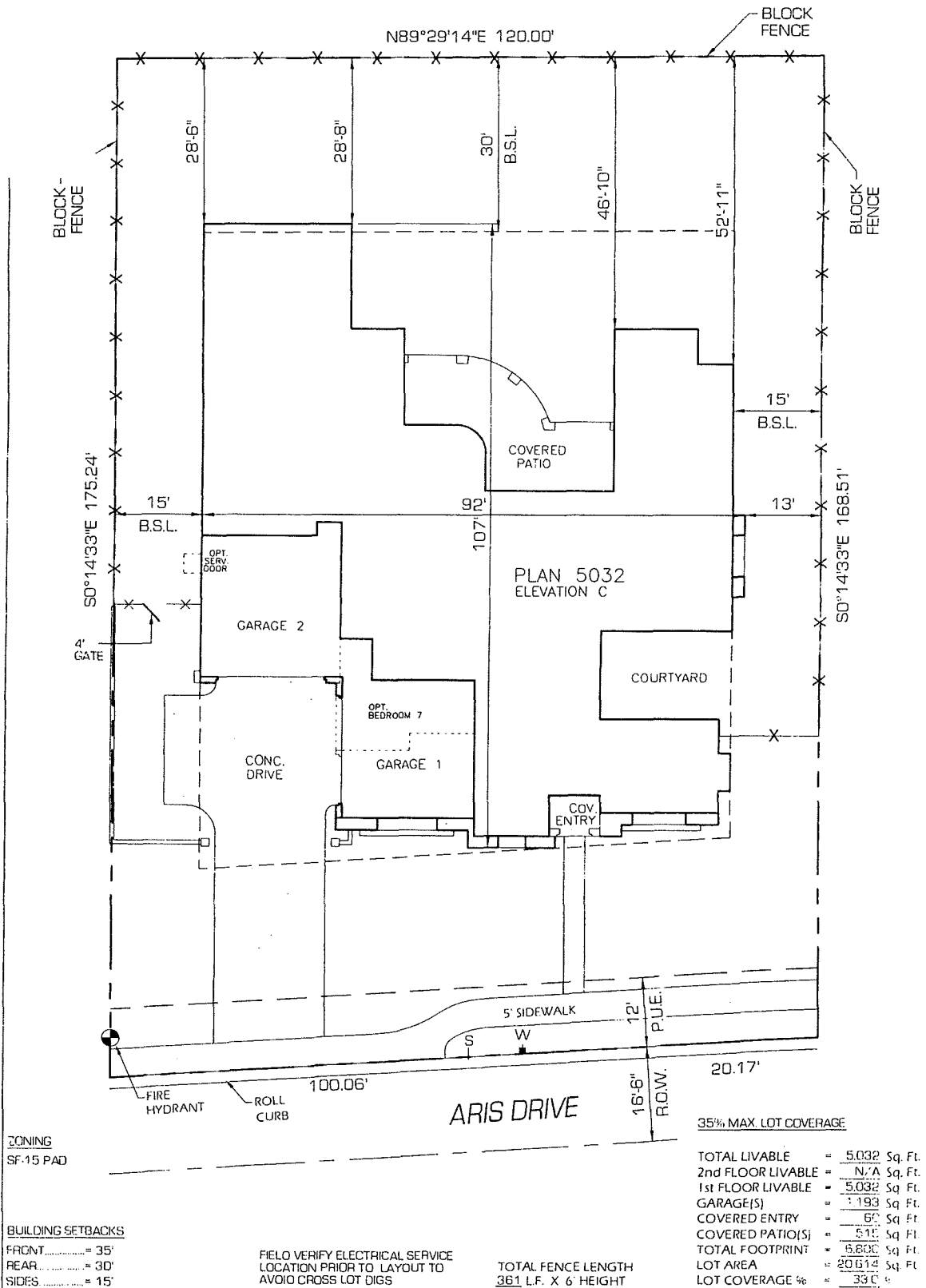




NOTE: ALL DIMENSIONS, LOCATIONS AND FEATURES SHOWN ON THIS PLOT PLAN ARE APPROXIMATE AND ARE ONLY AN ARTIST'S RENDERING, EXACT LOCATION OF ALL FEATURES ARE SUBJECT TO CHANGE AND MAY NOT BE INSTALLED EXACTLY AS SHOWN ON PLANS AND/OR IN MODELS. PLACEMENT OF HOME, DRIVEWAY, SIDEWALKS AND EXTERIOR FEATURES ARE SUBJECT TO MODIFICATION AS DEEMED NECESSARY BY FIELD PERSONNEL.

## PLOT PLAN

SCALE: 1" = 20'-0"



LOT#: 05 ADDRESS: E. ARIS DRIVE LEGACY @ FREEMAN FARMS GILBERT, AZ

FULTON HOMES

CORPORATION  
 5140 S. Kyrene Rd. Suite 202  
 Tempe, AZ 85284  
 Ph (480) 753-6780 Fax (480) 753-5554

DATE DRAWN:  
 01/09/2014  
 REVISION DATE:

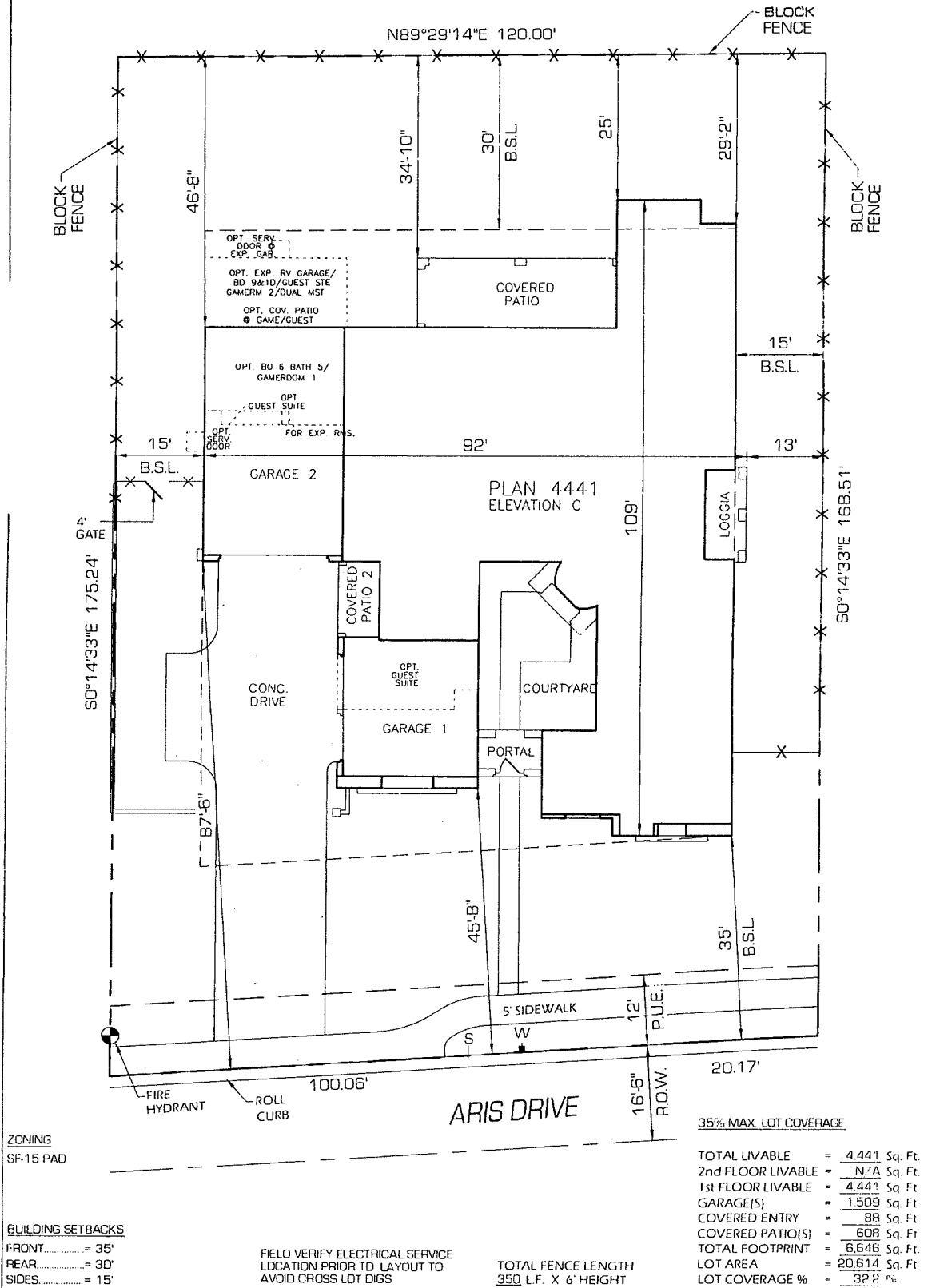
Z14-12

Attachment 5: Plot Plans Examples for Reference  
 May 7, 2014

NOTE: ALL DIMENSIONS, LOCATIONS AND FEATURES SHOWN ON THIS PLOT PLAN ARE APPROXIMATE AND ARE ONLY AN ARTIST'S RENDERING, EXACT LOCATION OF ALL FEATURES ARE SUBJECT TO CHANGE AND MAY NOT BE INSTALLED EXACTLY AS SHOWN ON PLANS AND/OR IN MODELS. PLACEMENT OF HOME, DRIVEWAY, SIDEWALKS AND EXTERIOR FEATURES ARE SUBJECT TO MODIFICATION AS DEEMED NECESSARY BY FIELD PERSONNEL.

## PLOT PLAN

SCALE: 1" = 20'-0"



LOT#:05

ADDRESS: E. ARIS DRIVE

LEGACY @ FREEMAN FARMS

GILBERT, AZ

**FULTON HOMES**

CORPORATION  
9140 S. Kyrene Rd. Suite 202  
Tempe, AZ 85284  
Ph:(480)753-6789 Fax:(480)753-5554

DATE DRAWN:

01/09/2014

REVISION DATE:



**Definitive**

Design Group, Inc.  
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